MEMORANDUM OF UNDERSTANDING
THROUGH WHICH
THE U.S. CENSUS BUREAU IS ACQUIRING
ADMINISTRATIVE DATA
FROM THE [state program agency]

Agreement No. [# Census fills]

1. PARTIES AND PURPOSE

This Memorandum of Understanding establishes an agreement between the U.S. Census Bureau (Census Bureau) and the [state program agency] for the acquisition of Driver License Administrative Data, of which data may include: Driver Licenses, Identification Cards, and Junior Driver Licenses.

2. AUTHORITY

The authority for the Census Bureau to enter into this Agreement is 13 U.S.C. § 6, which permits the Census Bureau to access, by purchase or otherwise, information to assist the Census Bureau in the performance of duties under Title 13, United States Code.

The authority for the [state program agency] to enter into this Agreement is [xxx]. This authority permits the release of basic driver license records to agencies of the Federal government. The Federal Driver's Privacy Protection Act, 18 U.S.C. §2721-2725 permits states to disclose driver license information to any government agency carrying out its functions.

3. TERMS AND CONDITIONS

Pursuant to this Agreement, the [state program agency], hereinafter referred to as "the state program agency" shall transfer records to the Census Bureau from the administration of driver licensing and identification card issuance, hereinafter referred to as "the state data" and as described in Attachment A of this Agreement. All data that the state program agency agrees to provide the Census Bureau remains confidential. To the extent provided by law, confidentiality of this data will be maintained under Title 13 U.S.C, Section 9, and the Privacy Act. To the extent provided by law, only Census Bureau staff and those Special Sworn Status (SSS) researchers participating in the projects will have access to the data. Access shall be limited to the minimum number of individuals necessary. Any data, records, or other information shared through this research Agreement are protected from unauthorized disclosure and shall be used solely for statistical purposes and not for program or administrative enforcement. When the Census Bureau publicly releases information related to this research, it may not be disclosed in individually-identifiable form that permits the identification of any individual respondents, businesses, organizations, or institutions, and results will meet Census Bureau disclosure avoidance guidelines. The Census Bureau will link the state data to census data, survey data and administrative records data. To the extent provided by law, the Census Bureau will recognize the state program agency as the owner of the original data in the form that it is delivered to the Census Bureau, prior to its integration with confidential Census data. The Census Bureau will use the linked data for research and operations to improve data collection and record linkage methods for surveys and

decennial censuses. The Census Bureau will also utilize the state data to provide new and improved estimates of population characteristics and estimates.

    a. The state program agency agrees:

        i. To transfer to the Census Bureau via secure File Transfer Protocol (FTP) or appropriately encrypted CD-ROM or DVD-ROM, data from [state program agency] for Drivers License and Identification Card administrative records for the years 2018—2023, as described in Attachment A. The delivery of 2018-2019 monthly data will occur before December 31, 2019. The remaining deliveries can follow on a monthly or annual basis, including a delivery of data vintage (April 1, 2020) on or before June 30, 2020.

        ii. To provide adequate documentation and support of transferred files for the Census Bureau to be able to interpret the data for the uses permitted in this Agreement; including definitions of variables/data dictionary, a record layout, record count, and record length.

        iii. To allow the Census Bureau to use its record linking processes to assign, where possible, person and address identifiers to each record in the state data. Record linkage identifiers may not contain any state data or direct identifiers.

        iv. To allow the Census Bureau staff and SSS researchers to use the state data at the Processing Sites listed in Section 4 of this Agreement for the projects listed in Attachment B and for additional projects as permitted by Section 3.b.i of this Agreement.

    b. The Census Bureau agrees:

        i. To the extent provided by law, to grant access to the state data only to Census Bureau staff and SSS researchers at the Processing Sites listed in Section 4 of this Agreement and only for the projects listed in Attachment B or those approved in writing by both parties.

4. CONTACTS

The parties mutually agree that the Census Bureau will appoint a designated "Custodian" of the files, who will in a representative capacity, comply with all of the designated provisions of this Agreement on behalf of the Census Bureau; including observance of all conditions of use, and for the establishment and maintenance of security arrangements, as specified in the Agreement to prevent unauthorized use. The parties mutually agree that the following locations are designated for data processing, analysis, and storage within the Census Network:

Sites: Bowie Computer Center or Other Approved Census Computer Centers
                Suitland Federal Center
                Federal Statistical Research Data Centers
                Census Approved Cloud Services

The parties mutually agree that the following named individuals will be designated as points of contact for the Agreement on behalf of the state program agency and the Census Bureau, respectively:

State program agency POC:

[POC NAME]
[TITLE]
[OFFICE]
[ADDRESS]
[PHONE NUMBER]
[EMAIL]

Census Bureau POC: Michael Berning
Assistant Division Chief
Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
4600 Silver Hill Rd
Washington, DC 20233
(301) 763-2028
michael.a.berning@census.gov

The parties agree that if there is a change regarding the information in this section, the party making the change will notify the other party in writing of such change.

5. DURATION OF AGREEMENT, AMENDMENTS, AND MODIFICATIONS

This Agreement is effective on the date on which it is signed by both parties. The Agreement shall terminate five (5) years following the date on which it becomes effective. If, at the end of five (5) years, the parties wish to continue the relationship, they must execute a new agreement.

The parties shall review this Agreement at least once every three (3) years, or whenever a Federal statute is enacted that materially affects the substance of the Agreement, **in order to determine whether it should be revised, renewed or canceled.** The review will be conducted by the Census Bureau's Assistant Director for Economic Programs and the state program agency.

Notwithstanding all other provisions of this Agreement, the Parties agree that:

   a. This Agreement may be amended at any time by written mutual consent of both parties.

   b. Either party may terminate this Agreement upon thirty (30) days written notice to the other party.

To the extent permitted by federal law, the original state data received from the state program agency will be retained by the Census Bureau after receipt for a maximum of two (2) years, unless the state program agency establishes a different timetable as clarified, when necessary, in Section 3, Terms and Conditions. Any revisions to the data retention timetable after the execution of this Agreement will be stated in writing in an amendment to this Agreement. The original state data will be expunged from Census Bureau systems, so long as such expungement is not inconsistent with federal records retention law.

The dissemination and use of publicly-released reports, articles, and other products derived in whole or in part from the state data will not be discontinued due to the expiration or termination of this Agreement. Furthermore, the use of state records with linkage identifiers and state data linked to other data as part of the projects described in Attachment B will not be discontinued due to expiration or termination of this Agreement.

To promote organizational transparency, and in support of data discovery for current and future research projects, the U.S. Census Bureau posts non-sensitive data documentation to public-facing websites. This documentation, such as a record layout or data dictionary, can include file descriptions, variable lists, variable labels and valid values for each variable.

6. RESOLUTION OF DISAGREEMENTS

Should disagreement arise on the interpretation of the provisions of this Agreement, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within thirty (30) days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

Under the Inspector General Act of 1978, as amended, 5. U.S.C. App. 3, a review of this Agreement may be conducted at any time. The Inspector General of the Department of Commerce, or any of his or her duly authorized representatives, must be sworn in under 13 U.S.C. Section 23(c), and shall have access to any pertinent books, documents, papers and records of the parties to this Agreement, whether written, printed, recorded, produced, or reproduced by any mechanical, magnetic or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law.

The Census Bureau will promptly consider and adjudicate, in accordance with Federal law, claims which may arise for damages of any nature arising out of a Census Bureau act under this Agreement. Such adjudication will be pursued under the Federal Tort Claims Act, 28 U.S.C. Section 2671 et seq., the Federal Employees Compensation Act, 5 U.S.C. Section 8101 et seq., or such other legal authority as may be pertinent. The U.S. Department of Justice shall determine the appropriate venues for any litigation arising under this Agreement.

7. CONFIDENTIALITY

A. IT Security

[State Statutes or Acts] protect the confidentiality of the state data.

The Census Bureau will comply with all federal laws applicable to the privacy or security of data received pursuant to this Agreement. As a federal agency, the Census Bureau is not subject to state laws, however the Census Bureau will comply with the requirements of applicable state laws to the extent that they do not conflict with the Census Bureau's requirements under federal law.

The Census Bureau assumes an obligation to keep all data received from other federal and state agencies and commercial entities in confidence, and to use the data for statistical purposes only in accordance with the provisions of Title 13, United States Code. The data provided under this Agreement are confidential under 13, U.S.C. § 9. Per the Federal Cybersecurity Enhancement Act of 2015, these data are also protected from cybersecurity risks through screening of the systems that transmit the data. Upon receipt, all data acquired as a result of this Agreement will be treated as if they have, at a minimum, protection at the appropriate risk level in accordance with NIST FIPS 200 and Special Publication 800-60r1.

The Census Bureau complies with all current NIST standards and publications in accordance with the Federal Information Security Modernization Act of 2014, Public Law 113-283. All systems are fully assessed against NIST Special Publication 800-53r4 "*Recommended Security Controls for Federal Information Systems and Organizations*," as well as Special Publication 800-37r2 "*Risk Management Framework for Information Systems and Organizations: A System Life Cycle Approach for Security and Privacy*." The Census Bureau IT Security Program is reviewed annually by the Department of Commerce Office of the CIO (Chief Information Officer), as well as the Department of Commerce Office of Inspector General, as part of the oversight responsibilities.

All information and information systems are categorized in accordance with NIST FIPS 199 "*Standards for Security Categorization of Federal Information and Information Systems*" and NIST Special Publication 800-60r1 "*Guide for Mapping Types of Information and Information Systems to Security Categories: (2 Volumes) - Volume 1: Guide Volume 2: Appendices*." Security controls and subsequent assessments are to be completed based on the final categorization.

Cloud providers must be approved for at least moderate level information through the GSA FedRAMP process prior to acquiring any services. Census Bureau identifies, assesses and authorizes use based on the published FedRAMP results and an assessment of any Census Bureau (customer provided) controls implemented to protect the infrastructure and data. Security reporting on cloud providers is reported to the Department of Commerce on a regular basis under FISMA.

The Census Bureau maintains a policy regarding the reporting of, and response to losses of protected data in accordance with OMB Memorandum M-17-12. Known or suspected losses of protected data are to be reported within one (1) hour of its discovery to the Bureau of the Census Computer Incident Response Team (BOC CIRT) who will report as required to the United States Computer Emergency Readiness Team (US CERT). Once the Census Bureau becomes aware of a known breach of the State Data, the Census Bureau will contact the state program agency contacts to discuss the actions and potential remedies regarding the incident.

B. Disclosure Avoidance Review of Statistical Products

Title 13, Section 9 of the United States Code (U.S.C.) requires the Census Bureau to keep confidential the information collected from the public under the authority of Title 13. Section 214 of Title 13, U.S.C., and Sections 3551, 3559 and 3571 of Title 18, U.S.C., provide for the imposition of penalties of up to five years in prison and/or up to $250,000.00 in fines for wrongful disclosure of confidential census information.

Disclosure avoidance is the process for protecting the confidentiality of data, as required under Title 13 U.S.C. A disclosure of data occurs when someone can use published statistical information to identify an individual who has provided confidential information. For data tabulations, the Census Bureau uses disclosure avoidance procedures to modify or remove the characteristics that put confidential information at risk for disclosure. Although a published table may appear to show information about a specific individual, the Census Bureau has taken steps to disguise or suppress the original data, while making sure the results are still useful. The techniques used by the Census Bureau to protect confidentiality in tabulations vary, depending on the type of data.

Noise injection is the Census Bureau's preferred disclosure avoidance technique. By policy, noise injection is applied to all data products that are reported with geographies smaller than a state. In cases when it is not feasible to fully implement noise injection within the period of the contract, a transition plan for implementing noise injection or other provable privacy methods must be developed in coordination with the Census Bureau. Noise injection may be required for microdata releases, depending on the characteristics of the microdata and the specific variables that are to be released. Data that cannot be publicly released may still be analyzed within the Federal Statistical Research Data Centers (FSRDCs) by individuals who have Special Sworn Status (SSS); the results of such analyses must still go through a disclosure avoidance process prior to being publicly released.

The parties understand that Title 13 confidentiality protection and disclosure avoidance techniques apply to all work described in this agreement. The disclosure avoidance methods are defined by the Census Bureau who has the responsibility of carrying out that work. Accordingly, upon completion of the tabulation, the data produced must be reviewed by the Census Bureau to ensure that no identifiable Title 13 data are or may be disclosed. Should the Census Bureau's Disclosure Review Board (DRB) determine that the requested statistical product does or reasonably could result in such disclosure, then the data product will be modified prior to approval for release to the party(ies) of this Agreement. The DRB must approve before a research product can be released to an individual who does not have SSS and a need to know, or moved to a computer not approved for controlled data according to Census' existing policies and procedures.

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8. APPROVALS

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Kevin Deardorff   (Date)
    Chief, Economic Reimbursable Surveys Division
    U.S. Census Bureau

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[typed name]   (Date)
[title]
[state program agency]

Attachment A: Data Elements

1. **Data Requirements**

   Monthly data from the administration of Drivers Licensing and Identification Card Issuance for the years <mark>2018—2023</mark> will include, when available:

   a. Driver License Number or Identification Number
   b. Type of card
   c. Name
   d. Address
   e. Date of Birth
   f. Sex
   g. Race
   h. Eye Color
   i. Citizenship status
   j. Date Issued
   k. Date Updated

Attachment B: Description of Approved Research Projects

1. **Evaluation and Improvement of Demographic Surveys Using State and Federal Administrative Records**

The U.S. Census Bureau administers multiple household and business surveys that are designed to characterize the program participation characteristics of the U.S. population. This project will evaluate the accuracy of such survey data, explore the determinants of misreporting and the impact of misreporting on estimates of population characteristics. This project will also evaluate and improve current procedures for editing and/or imputing survey data related to program participation. The project will also use the state data to investigate survey frame coverage, survey effects and survey non-response.

This project will focus on evaluating and improving the measurement of state programs in the American Community Survey ("ACS"), the Current Population Survey ("CPS") and the Survey of Income and Program Participation ("SIPP"). In the case of SIPP, this evaluation will also inform the redesign of the SIPP survey instrument that is currently underway.

This project will include additional studies that use administrative records from state and federal programs (including the state data) and/or Census Bureau survey data, and that can inform the Census Bureau about the quality of its data products and the feasibility of using administrative records to improve Census Bureau data products. These additional studies could include linkages to surveys conducted by the National Center for Health Statistics (NCHS), and linkages to datasets created from joint statistical projects between the Census Bureau and NCHS, the USDA Economic Research Service, the Bureau of Justice Statistics, the Department of Health and Human Services and the Department of Veterans Affairs.

2. **Improve Census Bureau Record Linkage Methods**

The Census Bureau's Person Identification Validation System ("PVS") uses administrative records from a variety of sources to assign, where possible, unique person identifiers to each record in its surveys, Censuses and administrative records. However, coverage for some populations may be incomplete in the PVS. Incomplete coverage in the PVS would have important implications for the Census Bureau's ability to evaluate and improve its data products using administrative records. The use of the state program administrative records will permit an assessment of the coverage completeness in PVS while improving upon coverage in the PVS of the populations participating in state programs.

3. **Research, Testing and Operations for the 2020 Census**

The Census Bureau intends to test and use data from many sources, including public and private sources, to design and conduct the 2020 Census. The Census Bureau is using state program information, along with data from federal, state, and private sources to

pursue the following four research initiatives leading to the integration of these data to augment or replace Census operations:

A. validating and enhancing the Master Address File (MAF);[1]
B. designing and assigning resources to carry out the 2020 Census;[2]
C. unduplicating public, private, and census lists; and
D. imputing missing data.[3]

To determine the feasibility of incorporating the administrative records data into Census operations, the data will be explored using 2010 decennial census data and intercensal test data to assess the quality and utility of household roster, location, and demographic characteristics data. Disagreement observed in content across sources will be analyzed to develop approaches such as modeling or business rules to resolve conflicting information. Administrative records will be assessed to tabulate data at various levels of geography including the housing unit, block, tract, and state levels. These tabulations will be compared to the 2010 Census and intercensal test data to assess accuracy based on the level of aggregation. Research and testing includes simulations with 2010 Census data as well as using these data in in operational site tests with the end goal of eventually incorporating the data into decennial census operations.

4. Leveraging Administrative Data to Drive Program Evaluation and Enhance Policy Outcomes

The U.S. Census Bureau is expanding its Data Linkage Infrastructure to increase the opportunity for cross-organizational research and program evaluation across the Federal Statistical Research Data Center network and/or via Remote Network Access. The acquisition and use of Administrative Data is becoming increasingly central to the U.S. Census Bureau's mission. Like many agencies in the Federal Statistical System, the Census Bureau uses Administrative Data to reduce inquiries on the public, to promote the efficient use of federal funds, and to produce and improve statistics on the American population and economy. As Census and other Federal Statistical Agencies successfully integrate Administrative Data, they acquire and use the data within the context of comprehensive data stewardship programs that ensure strong confidentiality and privacy protections.

The Census Bureau Linkage Infrastructure (CBLI) enables data discovery and secure analytic access for policy analysis, program evaluation, and research. CBLI relies on the Census Bureau's authority to access government records and collect data for statistical purposes, and leverages the Census Bureau's data stewardship culture, policies, and practices.

5. Project to Use Administrative Records Data to Support Executive Order 13880

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[1] Examples of possible Census Bureau uses include updating and evaluating the Master Address File.
[2] Examples of possible data uses include simulating a targeted address canvassing, modeling to determine data collection modes, modeling to predict self-response probabilities, simulating non-response follow-up designs, directed advertising campaigns, and special enumeration operations planning.
[3] Examples of possible Census Bureau uses include item imputation and count imputation using information from a composite of public and private data sources.

The Census Bureau plans to use several administrative data sources of citizenship status in a statistical model that will produce a probability of being a U.S. citizen on April 1, 2020 for each person in the 2020 Census. The citizenship probability will be used together with age, race, ethnicity, and location information from the 2020 Census to produce Citizen Voting Age Population (CVAP) statistics. The objective of the project is to determine the number of citizens and non-citizens in the country.

Person records in each administrative and survey data source, including the 2020 Census, will be validated and assigned a unique person identifier, called a Protected Identification Key (PIK). The PIKs will be used to link each person's citizenship information to their 2020 Census record. The citizenship probability for persons in the 2020 Census without PIKs will be estimated based on local area information and the person's demographic characteristics, but not the person's citizenship, which makes the estimate much less accurate than if the person's citizenship information were available. The validation process (called the Person Identification Validation System (PVS)) involves comparing records to high-quality federal government sources (called reference files) using fields such as Social Security Number (SSN), name, date of birth, sex, and residential address. Currently the reference files are limited to the Social Security Administration's (SSA's) Numident file and the Internal Revenue Service's (IRS's) Individual Taxpayer Identification Number (ITIN) file. Several million U.S. residents have neither an SSN nor an ITIN, however. Thus, even if such a person's information in an administrative or survey source is accurate, it will not be found in the reference files, no PIK will be assigned, and the person's citizenship probability will be estimated without the benefit of information about her/his citizenship status. Just because a person doesn't have a PIK does not necessarily mean the person doesn't have an SSN or ITIN, however. Records often contain errors in personally identifiable information (PII), missing information, or variants not seen in the reference files (e.g., a name or address change), leading to a failure to validate. Thus, imposing an assumption that all persons without PIKs are not U.S. citizens would lead to a significant underestimate of the number of citizens.

Once citizenship data sources and the 2020 Census person file have been assigned PIKs, the citizenship data will be linked to the 2020 Census person file. A model will be estimated for each person with a PIK, using the most current citizenship status from each available citizenship source for the person, as well as the person's other demographic, household, and location information as explanatory variables. The model will produce a citizenship probability for each person, which will then be combined with age, race, ethnicity, and location information from the 2020 Census to produce the Citizen Voting Age Population (CVAP) statistics.

Having more than one source of citizenship information is necessary, because no one source is complete and up-to-date. The SSA Numident contains citizenship status for most of the population. But the information is not always up-to-date for foreign-born persons. Prior to the 1970's people were not required to provide evidence of citizenship status when applying for an SSN. Thus, the citizenship status is blank for many older people in the Numident. Also, naturalized citizens are not required to notify SSA about their naturalization. Thus, a naturalized citizen's SSA record may incorrectly say the person is not a citizen.

Having information about not only whether a person is a U.S. citizen or not at a point in time, but also their country of origin, visa status, and how long they have been in that status, could help predict naturalization at a later date, because naturalization rates vary across countries of origin, visa statuses, and lengths of time in status. This would be useful for estimating the current citizenship status for persons with citizenship information sometime in the past, but who lack current information.

Prior to producing citizenship statistics in the fall/winter of 2020-2021, the Census Bureau will do extensive testing of the citizenship models. Researchers will use past censuses and the American Community Survey (ACS) as person frames (in place of the 2020 Census), together with citizenship information from administrative sources in the same time periods. The testing will require historical data.

The administrative records data will both expand the coverage of persons with citizenship information in the 2020 Census and provide more up-to-date citizenship information for those already covered by other sources, resulting in more accurate statistics about the U.S. citizen population.